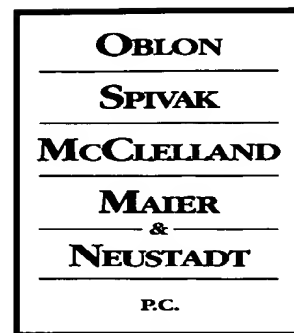




Docket No.: 9350-0136-0

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231



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RE: Application Serial No.: 09/399,743
Applicants: Karlheinz DRUZ, et al.
Filing Date: September 20, 1999
For: AMINO ACID COMPOSITION FOR
HEMODIALYSIS
Group Art Unit: 1723
Examiner: KIM

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TC 1700

SIR:

Attached hereto for filing are the following papers:

RESPONSE TO RESTRICTION REQUIREMENT (2 pp.)

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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DOCKET NO.: 9350-0136-0

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

RE APPLICATION OF: :
Karlheinz DRAUZ, et al : GROUP ART UNIT: 1723
SERIAL NO.: 09/399,743 :
FILED: SEPTEMBER 20, 1999 : EXAMINER: KIM
FOR: AMINO ACID COMPOSITION FOR HEMODIALYSIS

RESPONSE TO RESTRICTION REQUIREMENT

In response to the Official Action dated March 21, 2002, Applicants elect, with traverse, Group I, Claims 1-4, for further prosecution.

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REMARKS

The Office has required restriction in the present application as follows:

- Group I: Claims 1-4, drawn to an amino acid composition;
- Group II: Claim 5, drawn to a method of preparing a dialyzer fluid;
- Group III: Claims 6-8, drawn to a method of hemodialysis; and
- Group IV: Claims 9-19, drawn to an apparatus for hemodialysis with a dialyzer.

Applicants have elected Group I, Claims 1-4, with traverse.

Applicants note that claims of Groups II-IV are directly dependent from the claims of Group I, as such these groups are not separable.

Further, MPEP §803 states as follows:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions.

Applicants submit that a search of all claims would not constitute a serious burden on the Office.

For the reasons set forth above, Applicants contend that the Restriction Requirement is improper and should be withdrawn.

Additionally, MPEP §821.04 states:


...if applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined.

Applicants respectfully submit that should the elected group be found allowable, non-elected process claims should be rejoined.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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